

1 Gary A. Hecker, Esq. (State Bar No. 099008)  
 2 James M. Slominski, Esq. (State Bar No. 166357)  
**THE HECKER LAW GROUP, PLC**  
 3 1925 Century Park East, Suite 2300  
 Los Angeles, California 90067  
 Telephone: (310) 286-0377  
 Facsimile: (310) 286-0488  
 Email: [ghecker@hh.com](mailto:ghecker@hh.com)  
[Jslominski@hh.com](mailto:Jslominski@hh.com)

6 Attorneys for Plaintiff  
 Network Video Technologies, Inc.  
 7

8  
**IN THE UNITED STATES DISTRICT COURT**  
 9  
**NORTHERN DISTRICT OF CALIFORNIA**

10 NETWORK VIDEO  
 11 TECHNOLOGIES, INC.,

12 Plaintiff,

13 v.  
 14 NITEK INTERNATIONAL, LLC;  
 15 and DOES 1-10,

16 Defendants.

Civil Action No. C-08-2208 MHP

**PLAINTIFF'S PROVISIONAL  
 OPPOSITION TO DEFENDANT'S  
 MOTION TO DISMISS FOR LACK OF  
 SUBJECT MATTER JURISDICTION**

**CURRENT DATE:**

**DATE: July 28, 2008  
 TIME: 2:00 P.M.  
 CRTM: "15"**

**PENDING NEW DATE:**

**DATE: September 15, 2008  
 TIME: 2:00 P.M.  
 CRTM: "15"**

22 **To the Court:**

23 Plaintiff, Network Video Technologies ("NVT") hereby submits this  
 24 provisional opposition to Defendant's Motion to Dismiss for Lack of Subject Matter  
 25 Jurisdiction. Plaintiff believes that this Court has subject matter jurisdiction and that  
 26 Defendant's Motion should be denied.

27 Pursuant to the Court's request, the parties have met and conferred and selected  
 28 a new hearing date of **September 15, 2008** for Defendant's Motion. They have also

1 agreed on a briefing schedule for said Motion. A Stipulation and Proposed Order  
2 reflecting the agreement of the parties was submitted on June 24, 2008 and is pending  
3 approval by the Court.

4 The parties, including the moving party, are in agreement that Plaintiff need not  
5 submit its opposition to Defendant's Motion based on the original hearing date of July  
6 28, 2008. Instead, Plaintiff is to submit that opposition in accordance with the agreed  
7 schedule or at any other time the Court directs should the pending Stipulation not be  
8 acceptable to or the new date not convenient for the Court.

9  
10 DATED: July 7, 2008

**THE HECKER LAW GROUP, PLC**

11  
12 By:  
13 Gary A. Hecker, Esq.  
14 James M. Slominski, Esq.  
15 Attorneys for Plaintiff  
16 Network Video Technologies, Inc.

27  
28